



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

May 10, 2017

The Honorable Michele Reagan  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 1<sup>st</sup> Regular Session, which I signed on May 10, 2017:

HB 2043 - state hospital; property leases  
HB 2112 - multi-county water district; directors; elections  
HB 2116 - municipal zoning; rezoning protests  
HB 2167 - ASRS; contributions; adjustments  
HB 2168 - ASRS; reinstatement; contribution amount  
HB 2270 - postsecondary education; veterans; transfer credits  
HB 2316 - precinct committeemen; term of office  
HB 2368 - oxygenated fuel standards; formula (Mosley)  
HB 2406 - counties; municipal land acquisition; limitation  
HB 2440 - state fleet; inventory reduction  
HB 2482 - land subdividers; notice; certificate; exemption  
HB 2528 - index exemptions; unused tax credits  
SB 1161 - improvement districts; retention; detention basins

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

Senate Engrossed House Bill

**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

CHAPTER 288  
**HOUSE BILL 2043**

AN ACT

AMENDING SECTIONS 36-132 AND 36-136, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-218; AMENDING SECTIONS 36-1672, 37-802, 37-803, 41-2752 AND 49-104, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA STATE HOSPITAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-132, Arizona Revised Statutes, is amended to  
3 read:

4 36-132. Department of health services; functions; contracts

5 A. The department ~~shall~~, in addition to other powers and duties  
6 vested in it by law, SHALL:

7 1. Protect the health of the people of the state.

8 2. Promote the development, maintenance, efficiency and  
9 effectiveness of local health departments or districts of sufficient  
10 population and area that they can be sustained with reasonable economy and  
11 efficient administration, provide technical consultation and assistance to  
12 local health departments or districts, provide financial assistance to  
13 local health departments or districts and services that meet minimum  
14 standards of personnel and performance and in accordance with a plan and  
15 budget submitted by the local health department or districts to the  
16 department for approval, and recommend the qualifications of all  
17 personnel.

18 3. Collect, preserve, tabulate and interpret all information  
19 required by law in reference to births, deaths and all vital facts, and  
20 obtain, collect and preserve information relating to the health of the  
21 people of ~~the~~ THIS state and the prevention of diseases as may be useful  
22 in the discharge of functions of the department not in conflict with ~~the~~  
23 ~~provisions of chapter 3 of this title,~~ and sections 36-693, 36-694 and  
24 39-122.

25 4. Operate such sanitariums, hospitals or other facilities assigned  
26 to the department by law or by the governor.

27 5. Conduct a statewide program of health education relevant to the  
28 powers and duties of the department, prepare educational materials and  
29 disseminate information as to conditions affecting health, including basic  
30 information for the promotion of good health on the part of individuals  
31 and communities, and prepare and disseminate technical information  
32 concerning public health to the health professions, local health officials  
33 and hospitals. In cooperation with the department of education, the  
34 department of health services shall prepare and disseminate materials and  
35 give technical assistance for the purpose of education of children in  
36 hygiene, sanitation and personal and public health, and provide  
37 consultation and assistance in community organization to counties,  
38 communities and groups of people.

39 6. Administer or supervise a program of public health nursing,  
40 prescribe the minimum qualifications of all public health nurses engaged  
41 in official public health work, and encourage and aid in coordinating  
42 local public health nursing services.

43 7. Encourage and aid in coordinating local programs concerning  
44 control of preventable diseases in accordance with statewide plans that  
45 shall be formulated by the department.

1           8. Encourage and aid in coordinating local programs concerning  
2 maternal and child health, including midwifery, antepartum and postpartum  
3 care, infant and preschool health and the health of ~~school children~~  
4 SCHOOLCHILDREN, including special fields such as the prevention of  
5 blindness and conservation of sight and hearing.

6           9. Encourage and aid in the coordination of local programs  
7 concerning nutrition of the people of ~~the~~ THIS state.

8           10. Encourage, administer and provide dental health care services  
9 and aid in coordinating local programs concerning dental public health, in  
10 cooperation with the Arizona dental association. The department may bill  
11 and receive payment for costs associated with providing dental health care  
12 services and shall deposit the monies in the oral health fund established  
13 by section 36-138.

14           11. Establish and maintain adequate serological, bacteriological,  
15 parasitological, entomological and chemical laboratories with qualified  
16 assistants and facilities necessary for routine examinations and analyses  
17 and for investigations and research in matters affecting public health.

18           12. Supervise, inspect and enforce the rules concerning the  
19 operation of public bathing places and public and semipublic swimming  
20 pools adopted pursuant to section 36-136, subsection ~~H~~ I, paragraph 10.

21           13. Take all actions necessary or appropriate to ensure that  
22 bottled water sold to the public and water used to process, store, handle,  
23 serve and transport food and drink are free from filth, disease-causing  
24 substances and organisms and unwholesome, poisonous, deleterious or other  
25 foreign substances. All state agencies and local health agencies involved  
26 with water quality shall provide to the department any assistance  
27 requested by the director to ensure that this paragraph is effectuated.

28           14. Enforce the state food, caustic alkali and acid laws in  
29 accordance with chapter 2, article 2 of this title, chapter 8, article 1  
30 of this title and chapter 9, article 4 of this title, and collaborate in  
31 the enforcement of the federal food, drug, and cosmetic act ~~of 1938~~  
32 (52 Stat. 1040; 21 United States Code sections 1 through 905).

33           15. Recruit and train personnel for state, local and district  
34 health departments.

35           16. Conduct continuing evaluations of state, local and district  
36 public health programs, study and appraise state health problems and  
37 develop broad plans for use by the department and for recommendation to  
38 other agencies, professions and local health departments for the best  
39 solution of these problems.

40           17. License and regulate health care institutions according to  
41 chapter 4 of this title.

42           18. Issue or direct the issuance of licenses and permits required  
43 by law.

1        19. Participate in the state civil defense program and develop the  
2 necessary organization and facilities to meet wartime or other disasters.

3        20. Subject to the availability of monies, develop and administer  
4 programs in perinatal health care, including:

5        (a) Screening in early pregnancy for detecting ~~high risk~~ HIGH-RISK  
6 conditions.

7        (b) Comprehensive prenatal health care.

8        (c) Maternity, delivery and postpartum care.

9        (d) Perinatal consultation, including transportation of the  
10 pregnant woman to a perinatal care center when medically indicated.

11        (e) Perinatal education oriented toward professionals and  
12 consumers, focusing on early detection and adequate intervention to avert  
13 premature labor and delivery.

14        21. License and regulate the health and safety of group homes for  
15 persons with developmental disabilities. The department shall issue a  
16 license to an accredited facility for a period of the accreditation,  
17 except that no licensing period shall be longer than three years. The  
18 department is authorized to conduct an inspection of an accredited  
19 facility to ensure that the facility meets health and safety licensure  
20 standards. The results of the accreditation survey shall be public  
21 information. A copy of the final accreditation report shall be filed with  
22 the department of health services. For the purposes of this paragraph,  
23 "accredited" means accredited by a nationally recognized accreditation  
24 organization.

25        B. The department may accept from the state or federal government,  
26 or any agency of the state or federal government, and from private donors,  
27 trusts, foundations or eleemosynary corporations or organizations grants  
28 or donations for or in aid of the construction or maintenance of any  
29 program, project, research or facility authorized by this title, or in aid  
30 of the extension or enforcement of any program, project or facility  
31 authorized, regulated or prohibited by this title, and enter into  
32 contracts with the federal government, or an agency of the federal  
33 government, and with private donors, trusts, foundations or eleemosynary  
34 corporations or organizations, to carry out such purposes. All monies  
35 made available under this section are special project grants. The  
36 department may also expend these monies to further applicable scientific  
37 research within this state.

38        C. The department, in establishing fees authorized by this section,  
39 shall comply with title 41, chapter 6. The department shall not set a fee  
40 at more than the department's cost of providing the service for which the  
41 fee is charged. State agencies are exempt from all fees imposed pursuant  
42 to this section.



1 D. The department may enter into contracts with organizations that  
2 perform nonrenal organ transplant operations and organizations that  
3 primarily assist in the management of ~~end-stage~~ END-STAGE renal disease  
4 and related problems to provide, as payors of last resort, prescription  
5 medications necessary to supplement treatment and transportation to and  
6 from treatment facilities. The contracts may provide for department  
7 payment of administrative costs it specifically authorizes.

8 Sec. 2. Section 36-136, Arizona Revised Statutes, is amended to  
9 read:

10 36-136. Powers and duties of director; compensation of  
11 personnel; rules

12 A. The director shall:

13 1. Be the executive officer of the department of health services  
14 and the state registrar of vital statistics but shall not receive  
15 compensation for services as registrar.

16 2. Perform all duties necessary to carry out the functions and  
17 responsibilities of the department.

18 3. Prescribe the organization of the department. The director  
19 shall appoint or remove personnel as necessary for the efficient work of  
20 the department and shall prescribe the duties of all personnel. The  
21 director may abolish any office or position in the department that the  
22 director believes is unnecessary.

23 4. Administer and enforce the laws relating to health and  
24 sanitation and the rules of the department.

25 5. Provide for the examination of any premises if the director has  
26 reasonable cause to believe that on the premises there exists a violation  
27 of any health law or rule of ~~the~~ THIS state.

28 6. Exercise general supervision over all matters relating to  
29 sanitation and health throughout ~~the~~ THIS state. When in the opinion of  
30 the director it is necessary or advisable, a sanitary survey of the whole  
31 or of any part of ~~the~~ THIS state shall be made. The director may enter,  
32 examine and survey any source and means of water supply, sewage disposal  
33 plant, sewerage system, prison, public or private place of detention,  
34 asylum, hospital, school, public building, private institution, factory,  
35 workshop, tenement, public washroom, public restroom, public toilet and  
36 toilet facility, public eating room and restaurant, dairy, milk plant or  
37 food manufacturing or processing plant, and any premises in which the  
38 director has reason to believe there exists a violation of any health law  
39 or rule of ~~the~~ THIS state that the director has the duty to administer.

40 7. Prepare sanitary and public health rules.

41 8. Perform other duties prescribed by law.

42 B. If the director has reasonable cause to believe that there  
43 exists a violation of any health law or rule of ~~the~~ THIS state, the  
44 director may inspect any person or property in transportation through ~~the~~  
45 THIS state, and any car, boat, train, trailer, airplane or other vehicle

1 in which that person or property is transported, and may enforce detention  
2 or disinfection as reasonably necessary for the public health if there  
3 exists a violation of any health law or rule.

4 C. THE DIRECTOR, AFTER CONSULTATION WITH THE DEPARTMENT OF  
5 ADMINISTRATION, MAY TAKE ALL NECESSARY STEPS TO ENHANCE THE HIGHEST AND  
6 BEST USE OF THE STATE HOSPITAL PROPERTY, INCLUDING CONTRACTING WITH THIRD  
7 PARTIES TO PROVIDE SERVICES, ENTERING INTO SHORT-TERM LEASE AGREEMENTS  
8 WITH THIRD PARTIES TO OCCUPY OR RENOVATE EXISTING BUILDINGS AND ENTERING  
9 INTO LONG-TERM LEASE AGREEMENTS TO DEVELOP THE LAND AND BUILDINGS. THE  
10 DIRECTOR SHALL DEPOSIT ANY MONIES COLLECTED FROM CONTRACTS AND LEASE  
11 AGREEMENTS ENTERED INTO PURSUANT TO THIS SUBSECTION IN THE ARIZONA STATE  
12 HOSPITAL CHARITABLE TRUST FUND ESTABLISHED BY SECTION 36-218. AT LEAST  
13 THIRTY DAYS BEFORE ISSUING A REQUEST FOR PROPOSALS PURSUANT TO THIS  
14 SUBSECTION, THE DEPARTMENT OF HEALTH SERVICES SHALL HOLD A PUBLIC HEARING  
15 TO RECEIVE COMMUNITY AND PROVIDER INPUT REGARDING THE HIGHEST AND BEST USE  
16 OF THE STATE HOSPITAL PROPERTY RELATED TO THE REQUEST FOR PROPOSALS. THE  
17 DEPARTMENT SHALL REPORT TO THE JOINT COMMITTEE ON CAPITAL REVIEW ON THE  
18 TERMS, CONDITIONS AND PURPOSE OF ANY LEASE OR SUBLEASE AGREEMENT ENTERED  
19 INTO PURSUANT TO THIS SUBSECTION RELATING TO STATE HOSPITAL LANDS OR  
20 BUILDINGS OR THE DISPOSITION OF REAL PROPERTY PURSUANT TO THIS SUBSECTION,  
21 INCLUDING STATE HOSPITAL LANDS OR BUILDINGS, AND THE FISCAL IMPACT ON THE  
22 DEPARTMENT AND ANY REVENUES GENERATED BY THE AGREEMENT. ANY LEASE OR  
23 SUBLEASE AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION RELATING TO  
24 STATE HOSPITAL LANDS OR BUILDINGS OR THE DISPOSITION OF REAL PROPERTY  
25 PURSUANT TO THIS SUBSECTION, INCLUDING STATE HOSPITAL LANDS OR BUILDINGS,  
26 MUST BE REVIEWED BY THE JOINT COMMITTEE ON CAPITAL REVIEW.

27 ~~C.~~ D. The director may deputize, in writing, any qualified officer  
28 or employee in the department to do or perform on the director's behalf  
29 any act the director is by law empowered to do or charged with the  
30 responsibility of doing.

31 ~~D.~~ E. The director may delegate to a local health department,  
32 county environmental department or public health services district any  
33 functions, powers or duties that the director believes can be competently,  
34 efficiently and properly performed by the local health department, county  
35 environmental department or public health services district if:

36 1. The director or superintendent of the local health agency,  
37 environmental agency or public health services district is willing to  
38 accept the delegation and agrees to perform or exercise the functions,  
39 powers and duties conferred in accordance with the standards of  
40 performance established by the director OF THE DEPARTMENT OF HEALTH  
41 SERVICES.

42 2. Monies appropriated or otherwise made available to the  
43 department for distribution to or division among counties or public health  
44 services districts for local health work may be allocated or reallocated  
45 in a manner designed to ensure the accomplishment of recognized local



1 public health activities and delegated functions, powers and duties in  
2 accordance with applicable standards of performance. Whenever in the  
3 director's opinion there is cause, the director may terminate all or a  
4 part of any delegation and may reallocate all or a part of any funds that  
5 may have been conditioned on the further performance of the functions,  
6 powers or duties conferred.

7 ~~F.~~ F. The compensation of all personnel shall be as determined  
8 pursuant to section 38-611.

9 ~~F.~~ G. The director may make and amend rules necessary for the  
10 proper administration and enforcement of the laws relating to the public  
11 health.

12 ~~G.~~ H. Notwithstanding subsection ~~H~~ I, paragraph 1 of this  
13 section, the director may define and prescribe emergency measures for  
14 detecting, reporting, preventing and controlling communicable or  
15 infectious diseases or conditions if the director has reasonable cause to  
16 believe that a serious threat to public health and welfare exists.  
17 Emergency measures are effective for no longer than eighteen months.

18 ~~H.~~ I. The director, by rule, shall:

19 1. Define and prescribe reasonably necessary measures for  
20 detecting, reporting, preventing and controlling communicable and  
21 preventable diseases. The rules shall declare certain diseases  
22 reportable. The rules shall prescribe measures, including isolation or  
23 quarantine, that are reasonably required to prevent the occurrence of, or  
24 to seek early detection and alleviation of, disability, insofar as  
25 possible, from communicable or preventable diseases. The rules shall  
26 include reasonably necessary measures to control animal diseases  
27 transmittable to humans.

28 2. Define and prescribe reasonably necessary measures, in addition  
29 to those prescribed by law, regarding the preparation, embalming,  
30 cremation, interment, disinterment and transportation of dead human bodies  
31 and the conduct of funerals, relating to and restricted to communicable  
32 diseases and regarding the removal, transportation, cremation, interment  
33 or disinterment of any dead human body.

34 3. Define and prescribe reasonably necessary procedures that are  
35 not inconsistent with law in regard to the use and accessibility of vital  
36 records, delayed birth registration and the completion, change and  
37 amendment of vital records.

38 4. Except as relating to the beneficial use of wildlife meat by  
39 public institutions and charitable organizations pursuant to title 17,  
40 prescribe reasonably necessary measures to ensure that all food or drink,  
41 including meat and meat products and milk and milk products sold at the  
42 retail level, provided for human consumption is free from unwholesome,  
43 poisonous or other foreign substances and filth, insects or  
44 disease-causing organisms. The rules shall prescribe reasonably necessary  
45 measures governing the production, processing, labeling, storing,

1 handling, serving and transportation of these products. The rules shall  
2 prescribe minimum standards for the sanitary facilities and conditions  
3 that shall be maintained in any warehouse, restaurant or other premises,  
4 except a meat packing plant, slaughterhouse, wholesale meat processing  
5 plant, dairy product manufacturing plant or trade product manufacturing  
6 plant. The rules shall prescribe minimum standards for any truck or other  
7 vehicle in which food or drink is produced, processed, stored, handled,  
8 served or transported. The rules shall provide for the inspection and  
9 licensing of premises and vehicles so used, and for abatement as public  
10 nuisances of any premises or vehicles that do not comply with the rules  
11 and minimum standards. The rules shall provide an exemption relating to  
12 food or drink that is:

13 (a) Served at a noncommercial social event such as a potluck.

14 (b) Prepared at a cooking school that is conducted in an  
15 owner-occupied home.

16 (c) Not potentially hazardous and prepared in a kitchen of a  
17 private home for occasional sale or distribution for noncommercial  
18 purposes.

19 (d) Prepared or served at an employee-conducted function that lasts  
20 less than four hours and is not regularly scheduled, such as an employee  
21 recognition, an employee fund-raising or an employee social event.

22 (e) Offered at a child care facility and limited to commercially  
23 prepackaged food that is not potentially hazardous and whole fruits and  
24 vegetables that are washed and cut ~~on-site~~ ON-SITE for immediate  
25 consumption.

26 (f) Offered at locations that sell only commercially prepackaged  
27 food or drink that is not potentially hazardous.

28 (g) Baked and confectionary goods that are not potentially  
29 hazardous and that are prepared in a kitchen of a private home for  
30 commercial purposes if packaged with a label that clearly states the  
31 address of the maker, includes contact information for the maker, lists  
32 all the ingredients in the product and discloses that the product was  
33 prepared in a home. The label must be given to the final consumer of the  
34 product. If the product was made in a facility for individuals with  
35 developmental disabilities, the label must also disclose that fact. The  
36 person preparing the food or supervising the food preparation must obtain  
37 a food handler's card or certificate if one is issued by the local county  
38 and must register with an online registry established by the department  
39 pursuant to paragraph 13 of this subsection. For the purposes of this  
40 subdivision, "potentially hazardous" means baked and confectionary goods  
41 that meet the requirements of the food code published by the United States  
42 food and drug administration, as modified and incorporated by reference by  
43 the department by rule.

44 (h) A whole fruit or vegetable grown in a public school garden that  
45 is washed and cut on-site for immediate consumption.



1           5. Prescribe reasonably necessary measures to ensure that all meat  
2 and meat products for human consumption handled at the retail level are  
3 delivered in a manner and from sources approved by the Arizona department  
4 of agriculture and are free from unwholesome, poisonous or other foreign  
5 substances and filth, insects or disease-causing organisms. The rules  
6 shall prescribe standards for sanitary facilities to be used in identity,  
7 storage, handling and sale of all meat and meat products sold at the  
8 retail level.

9           6. Prescribe reasonably necessary measures regarding production,  
10 processing, labeling, handling, serving and transportation of bottled  
11 water to ensure that all bottled drinking water distributed for human  
12 consumption is free from unwholesome, poisonous, deleterious or other  
13 foreign substances and filth or disease-causing organisms. The rules  
14 shall prescribe minimum standards for the sanitary facilities and  
15 conditions that shall be maintained at any source of water, bottling plant  
16 and truck or vehicle in which bottled water is produced, processed, stored  
17 or transported and shall provide for inspection and certification of  
18 bottled drinking water sources, plants, processes and transportation and  
19 for abatement as a public nuisance of any water supply, label, premises,  
20 equipment, process or vehicle that does not comply with the minimum  
21 standards. The rules shall prescribe minimum standards for  
22 bacteriological, physical and chemical quality for bottled water and for  
23 the submission of samples at intervals prescribed in the standards.

24           7. Define and prescribe reasonably necessary measures governing ice  
25 production, handling, storing and distribution to ensure that all ice sold  
26 or distributed for human consumption or for the preservation or storage of  
27 food for human consumption is free from unwholesome, poisonous,  
28 deleterious or other foreign substances and filth or disease-causing  
29 organisms. The rules shall prescribe minimum standards for the sanitary  
30 facilities and conditions and the quality of ice that shall be maintained  
31 at any ice plant, storage and truck or vehicle in which ice is produced,  
32 stored, handled or transported and shall provide for inspection and  
33 licensing of the premises and vehicles, and for abatement as public  
34 nuisances of ice, premises, equipment, processes or vehicles that do not  
35 comply with the minimum standards.

36           8. Define and prescribe reasonably necessary measures concerning  
37 sewage and excreta disposal, garbage and trash collection, storage and  
38 disposal, and water supply for recreational and summer camps, campgrounds,  
39 motels, tourist courts, trailer coach parks and hotels. The rules shall  
40 prescribe minimum standards for preparation of food in community kitchens,  
41 adequacy of excreta disposal, garbage and trash collection, storage and  
42 disposal and water supply for recreational and summer camps, campgrounds,  
43 motels, tourist courts, trailer coach parks and hotels and shall provide  
44 for inspection of these premises and for abatement as public nuisances of  
45 any premises or facilities that do not comply with the rules. Primitive



1 camp and picnic grounds offered by this state or a political subdivision  
2 of this state are exempt from rules adopted pursuant to this paragraph but  
3 are subject to approval by a county health department under sanitary  
4 regulations adopted pursuant to section 36-183.02. For the purposes of  
5 this paragraph, "primitive camp and picnic grounds" means camp and picnic  
6 grounds that are remote in nature and without accessibility to public  
7 infrastructure such as water, electricity and sewer.

8 9. Define and prescribe reasonably necessary measures concerning  
9 the sewage and excreta disposal, garbage and trash collection, storage and  
10 disposal, water supply and food preparation of all public schools. The  
11 rules shall prescribe minimum standards for sanitary conditions that shall  
12 be maintained in any public school and shall provide for inspection of  
13 these premises and facilities and for abatement as public nuisances of any  
14 premises that do not comply with the minimum standards.

15 10. Prescribe reasonably necessary measures to prevent pollution of  
16 water used in public or semipublic swimming pools and bathing places and  
17 to prevent deleterious health conditions at these places. The rules shall  
18 prescribe minimum standards for sanitary conditions that shall be  
19 maintained at any public or semipublic swimming pool or bathing place and  
20 shall provide for inspection of these premises and for abatement as public  
21 nuisances of any premises and facilities that do not comply with the  
22 minimum standards. The rules shall be developed in cooperation with the  
23 director of the department of environmental quality and shall be  
24 consistent with the rules adopted by the director of the department  
25 of environmental quality pursuant to section 49-104, subsection B,  
26 paragraph 12.

27 11. Prescribe reasonably necessary measures to keep confidential  
28 information relating to diagnostic findings and treatment of patients, as  
29 well as information relating to contacts, suspects and associates of  
30 communicable disease patients. In no event shall confidential information  
31 be made available for political or commercial purposes.

32 12. Prescribe reasonably necessary measures regarding human  
33 immunodeficiency virus testing as a means to control the transmission of  
34 that virus, including the designation of anonymous test sites as dictated  
35 by current epidemiologic and scientific evidence.

36 13. Establish an online registry of food preparers that are  
37 authorized to prepare food for commercial purposes pursuant to paragraph 4  
38 of this subsection.

39 ~~I.~~ J. The rules adopted under the authority conferred by this  
40 section shall be observed throughout the state and shall be enforced by  
41 each local board of health or public health services district, but this  
42 section does not limit the right of any local board of health or county  
43 board of supervisors to adopt ordinances and rules as authorized by law  
44 within its jurisdiction, provided that the ordinances and rules do not

1 conflict with state law and are equal to or more restrictive than the  
2 rules of the director.

3 ~~H.~~ K. The powers and duties prescribed by this section do not  
4 apply in instances in which regulatory powers and duties relating to  
5 public health are vested by the legislature in any other state board,  
6 commission, agency or instrumentality, except that with regard to the  
7 regulation of meat and meat products, the department of health services  
8 and the Arizona department of agriculture within the area delegated to  
9 each shall adopt rules that are not in conflict.

10 ~~H.~~ L. The director, in establishing fees authorized by this  
11 section, shall comply with title 41, chapter 6. The department shall not  
12 set a fee at more than the department's cost of providing the service for  
13 which the fee is charged. State agencies are exempt from all fees imposed  
14 pursuant to this section.

15 ~~H.~~ M. After consultation with the state superintendent of public  
16 instruction, the director shall prescribe the criteria the department  
17 shall use in deciding whether or not to notify a local school district  
18 that a pupil in the district has tested positive for the human  
19 immunodeficiency virus antibody. The director shall prescribe the  
20 procedure by which the department shall notify a school district if,  
21 pursuant to these criteria, the department determines that notification is  
22 warranted in a particular situation. This procedure shall include a  
23 requirement that before notification the department shall determine to its  
24 satisfaction that the district has an appropriate policy relating to  
25 nondiscrimination of the infected pupil and confidentiality of test  
26 results and that proper educational counseling has been or will be  
27 provided to staff and pupils.

28 ~~H.~~ N. Until the department adopts exemptions by rule as required  
29 by subsection ~~H~~ I, paragraph 4, subdivision (f) of this section, food and  
30 drink are exempt from the rules prescribed in subsection ~~H~~ I of this  
31 section if offered at locations that sell only commercially prepackaged  
32 food or drink that is not potentially hazardous, without a limitation on  
33 its display area.

34 ~~H.~~ O. Until the department adopts exemptions by rule as required  
35 by subsection ~~H~~ I, paragraph 4, subdivision (h) of this section, a whole  
36 fruit or vegetable grown in a public school garden that is washed and cut  
37 on-site for immediate consumption is exempt from the rules prescribed in  
38 subsection ~~H~~ I of this section.

39 Sec. 3. Title 36, chapter 2, article 1, Arizona Revised Statutes,  
40 is amended by adding section 36-218, to read:

41 36-218. Arizona state hospital charitable trust fund

42 THE ARIZONA STATE HOSPITAL CHARITABLE TRUST FUND IS ESTABLISHED  
43 CONSISTING OF MONIES COLLECTED FROM CONTRACTS AND LEASE AGREEMENTS ENTERED  
44 INTO PURSUANT TO SECTION 36-136, SUBSECTION C. THE DIRECTOR SHALL  
45 ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND



1 MAY BE SPENT FOR THE BENEFIT OF PERSONS WITH MENTAL ILLNESS IN THIS STATE.  
2 MONIES IN THE FUND DO NOT REVERT TO THE STATE GENERAL FUND AT THE END OF A  
3 FISCAL YEAR.

4 Sec. 4. Section 36-1672, Arizona Revised Statutes, is amended to  
5 read:

6 36-1672. Local programs

7 A. The department is authorized to develop and conduct local  
8 programs for the prevention, detection and treatment of lead-based paint  
9 poisoning, subject to legislative appropriation. Such authorization shall  
10 include:

11 1. Educational programs intended to communicate the health danger  
12 and prevalence of lead-based paint poisoning among children to parents,  
13 educators and local health officials.

14 2. Development and carrying out of community testing programs  
15 designed to detect incidence of lead poisoning due to lead-based paint and  
16 other sources among community residents and to ~~insure~~ ENSURE prompt  
17 medical treatment for such afflicted individuals.

18 B. The director may delegate to any local agency the authority to  
19 conduct the local program within ~~such~~ THE local agency's jurisdiction as  
20 provided in section 36-136, subsection ~~D~~ E.

21 Sec. 5. Section 37-802, Arizona Revised Statutes, is amended to  
22 read:

23 37-802. Disposition of real property by state agency;  
24 alternative fuel delivery systems; definition

25 A. Unless another procedure is prescribed by law, the director or  
26 other chief administrative officer of a state agency may lease or convey  
27 real property or any right, title or interest in real property as  
28 prescribed by this section if the ~~agency~~ director or ~~other chief~~  
29 ~~administrative officer of a state agency~~ determines that it is no longer  
30 needed or used for public purposes.

31 B. Unless the property is subject to a right of reversion to a  
32 previous owner or the previous owner's successors in interest, the ~~agency~~  
33 director or other chief administrative officer of a state agency may lease  
34 or convey:

35 1. Real property to another agency of this state, any county,  
36 municipality or other political subdivision or any school district of this  
37 state without the necessity of a public sale if the real property will be  
38 used for an alternative fuel delivery system. The transferee agency shall  
39 pay the transferor agency for a conveyance made pursuant to this section  
40 based on a current appraisal establishing the fair market value of the  
41 property.

42 2. Other marketable real property to the highest and most  
43 responsible bidder at a public auction or by direct sale or exchange after  
44 at least thirty days' notice in a newspaper of general circulation in the  
45 county in which the property is located. At least two independent

1 appraisals are required for property that is offered, and the property  
2 shall not be offered or conveyed for less than the amount of the low  
3 appraisal. All purchase offers are public, and any person may submit a  
4 subsequent offer that matches or exceeds a previous purchase offer.

5 C. The sale shall be for cash or on terms of at least twenty ~~per~~  
6 ~~cent~~ PERCENT down payment with the balance payable in annual amortized  
7 installments for ten years, the unpaid balance to bear interest at a rate  
8 determined by the ~~agency~~ director OR OTHER CHIEF ADMINISTRATIVE OFFICER OF  
9 THE STATE AGENCY.

10 D. The ~~agency~~ director or other chief administrative officer OF A  
11 STATE AGENCY may execute all deeds or conveyances necessary to lease or  
12 convey any real property or interest in the real property to be leased or  
13 conveyed under this section and may assess a fee for the costs of  
14 preparing and executing any lease or conveyance under this section. The  
15 ~~agency~~ director or ~~other chief administrative~~ officer may insert in any  
16 deed or conveyance conditions, covenants, exceptions and reservations the  
17 ~~agency~~ director OR OFFICER considers to be in the public interest or may  
18 convey in fee simple absolute.

19 E. A conclusive presumption exists in favor of any purchaser for  
20 value and without notice of any real property or interest in the real  
21 property leased or conveyed pursuant to this section that the agency acted  
22 within its lawful authority in acquiring the property, and that the  
23 ~~agency~~ director or other chief administrative officer OF THE STATE AGENCY  
24 acted under lawful authority in executing any deed, conveyance or lease  
25 authorized by this section.

26 F. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO ANY LEASE OR  
27 SUBLEASE OF STATE HOSPITAL LANDS OR BUILDINGS THAT IS EXECUTED BY THE  
28 DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES OR THE DIRECTOR'S DESIGNEE  
29 FOR THE BENEFIT OF MENTALLY ILL PERSONS IN THIS STATE. THE DIRECTOR OF  
30 THE DEPARTMENT OF HEALTH SERVICES OR THE DIRECTOR'S DESIGNEE SHALL ENSURE  
31 THAT THE DEPARTMENT RECEIVES THE FAIR RENTAL VALUE FOR THE LEASED  
32 PROPERTY.

33 ~~F.~~ G. For THE purposes of this section, "alternative fuel delivery  
34 system" means any facility that provides for the fueling of an alternative  
35 fuel vehicle.

36 Sec. 6. Section 37-803, Arizona Revised Statutes, is amended to  
37 read:

38 37-803. Disposition of real property by state agency

39 A. Unless another procedure is prescribed by law, the director or  
40 other chief administrative officer of a state agency may dispose of real  
41 property or any right, title or interest in real property as prescribed by  
42 this section if the ~~agency~~ director OR OFFICER determines that the real  
43 property is no longer needed or used for public purposes by that agency.



1 B. Unless the property is subject to a right of reversion to a  
2 previous owner or the previous owner's successors in interest, THE  
3 DIRECTOR OR OTHER CHIEF ADMINISTRATIVE OFFICER OF A STATE AGENCY MAY  
4 CONVEY:

5 1. ~~The agency director may convey~~ The real property to an agency of  
6 the federal government, to another agency of this state or to any county,  
7 municipality, school district or other political subdivision of this state  
8 or charter school in this state without the necessity of a public sale if  
9 the ~~agency~~ director OR OFFICER considers the conveyance to be in the  
10 public interest and if the real property will be used for a specific  
11 purpose in the public interest. The transferee agency shall pay the  
12 transferor agency for such a conveyance based on an appraisal prepared  
13 within the last one hundred eighty days by a certified real estate  
14 appraiser establishing the fair market value of the property to be  
15 conveyed.

16 2. ~~The agency director may convey~~ Other marketable property to the  
17 highest and most responsible bidder at a public auction or by direct sale  
18 or exchange after at least thirty days' notice in a newspaper of general  
19 circulation in the county in which the property is located. At least two  
20 independent appraisals are required for property that is offered and the  
21 property shall not be offered or conveyed for less than or the amount of  
22 the low appraisal. All purchase offers are public and any person may  
23 submit a subsequent offer that matches or exceeds a previous purchase  
24 offer.

25 C. The sale shall be for cash or on terms of not less than twenty  
26 ~~per cent~~ PERCENT down payment with the balance payable in annual amortized  
27 installments for ten years, the unpaid balance to bear interest at a rate  
28 determined by the ~~agency~~ director OR OTHER CHIEF ADMINISTRATIVE OFFICER OF  
29 THE STATE AGENCY.

30 D. The ~~agency~~ director OR OTHER CHIEF ADMINISTRATIVE OFFICER OF A  
31 STATE AGENCY may execute all deeds or conveyances necessary to convey any  
32 real property or interest in the real property to be conveyed under this  
33 section and may assess a fee for the costs of preparing and executing any  
34 conveyance under this section. The ~~agency~~ director OR OFFICER may insert  
35 in any deed or conveyance such conditions, covenants, exceptions and  
36 reservations as the ~~agency~~ director OR OFFICER considers to be in the  
37 public interest or may convey in fee simple absolute.

38 E. A conclusive presumption exists in favor of any purchaser for  
39 value and without notice of any real property or interest in the real  
40 property conveyed pursuant to this section that the agency acted within  
41 its lawful authority in acquiring the property and that the agency  
42 director OR OTHER CHIEF ADMINISTRATIVE OFFICER OF THE STATE AGENCY acted  
43 under lawful authority in executing any deed, conveyance or lease  
44 authorized by this section.

1 F. The agency may adopt rules for using licensed real estate  
2 brokers to assist in any disposition of property under this section. The  
3 ~~agency~~ director OR OTHER CHIEF ADMINISTRATIVE OFFICER OF THE STATE AGENCY  
4 may pay a commission, from proceeds received under this section, to a  
5 broker who provides the purchaser unless the broker is the purchaser or  
6 lessee or the purchaser is another governmental agency.

7 G. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO ANY LEASE OR  
8 SUBLEASE OF STATE HOSPITAL LANDS OR BUILDINGS THAT IS EXECUTED BY THE  
9 DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES OR THE DIRECTOR'S DESIGNEE  
10 FOR THE BENEFIT OF MENTALLY ILL PERSONS IN THIS STATE. THE DIRECTOR OF  
11 THE DEPARTMENT OF HEALTH SERVICES OR THE DIRECTOR'S DESIGNEE SHALL ENSURE  
12 THAT THE DEPARTMENT RECEIVES THE FAIR RENTAL VALUE FOR THE LEASED  
13 PROPERTY.

14 Sec. 7. Section 41-2752, Arizona Revised Statutes, is amended to  
15 read:

16 41-2752. State competition with private enterprise  
17 prohibited; exceptions; definition

18 A. A state agency shall not engage in the manufacturing,  
19 processing, sale, offering for sale, rental, leasing, delivery,  
20 dispensing, distributing or advertising of goods or services to the public  
21 that are also offered by private enterprise unless specifically authorized  
22 by law other than administrative law and executive orders.

23 B. A state agency shall not offer or provide goods or services to  
24 the public for or through another state agency or a local agency,  
25 including by intergovernmental or interagency agreement, in violation of  
26 this section or section 41-2753.

27 C. The restrictions on activities that compete with private  
28 enterprise contained in this section do not apply to:

29 1. The development, operation and management of state parks,  
30 historical monuments and hiking or equestrian trails.

31 2. Correctional industries established and operated by the state  
32 department of corrections if the prices charged for products sold by the  
33 correctional industries are not less than the actual cost of producing and  
34 marketing the product plus a reasonable allowance for overhead and  
35 administrative costs.

36 3. The office of tourism.

37 4. The Arizona highways magazine, operated by the department of  
38 transportation.

39 5. Printing and distributing information to the public if the  
40 agency is otherwise authorized to do so, and printing or copying public  
41 records or other material relating to the public agency's public business  
42 and recovering through fees and charges the costs of such printing,  
43 copying and distributing.

44 6. The department of public safety.



1           7. The construction, maintenance and operation of state  
2 transportation facilities.

3           8. The development, distribution, maintenance, support, licensing,  
4 leasing or sale of computer software by the department of transportation.

5           9. Agreements executed by the Arizona health care cost containment  
6 system administration with other states to design, develop, install and  
7 operate information technology systems and related services or other  
8 administrative services pursuant to section 36-2925.

9           10. Agreements executed by the department of economic security with  
10 other states to design, develop, install and operate support collection  
11 technology systems and related services. The department shall deposit,  
12 pursuant to sections 35-146 and 35-147, monies received pursuant to this  
13 paragraph in the public assistance collections fund established by section  
14 46-295.

15           11. Educational, vocational, treatment, training or work programs  
16 of the department of juvenile corrections and contracts between the  
17 department of juvenile corrections and this state, a political subdivision  
18 of this state or a private entity in order to provide employment or  
19 vocational educational experience.

20           12. The aflatoxin control technologies of the cotton research and  
21 protection council.

22           13. The lease or sublease of lands or buildings by the department  
23 of economic security pursuant to section 41-1958.

24           14. The Arizona commerce authority.

25           15. The Arizona game and fish commission, but only for the sale of  
26 goods or services and not firearms.

27           16. The lease or sublease of lands or buildings by the department  
28 of child safety pursuant to section 8-460.

29           17. Agreements executed by the department of child safety with  
30 other states to design, develop, install and operate support collection  
31 technology systems and related services. The department shall deposit,  
32 pursuant to sections 35-146 and 35-147, monies received pursuant to this  
33 paragraph in the child safety collections fund established by section  
34 8-461.

35           18. THE LEASE OR SUBLEASE OF STATE HOSPITAL LANDS OR BUILDINGS BY  
36 THE DEPARTMENT OF HEALTH SERVICES.

37           ~~18.~~ 19. The sale or lease of software, computer systems or  
38 intellectual property developed by the department of education or  
39 associated services provided for the sale or lease of software, computer  
40 systems or intellectual property by the department of education. The  
41 department shall deposit, pursuant to sections 35-146 and 35-147, sixty  
42 percent of the profit from the monies generated pursuant to this paragraph  
43 in the state general fund and the remaining forty percent ~~deposited into~~  
44 IN the department of education intellectual property fund established by  
45 section 15-231.04. The department of education may not transfer or expend

monies or personnel resources for the purposes of marketing or soliciting goods or services authorized pursuant to this ~~section~~ PARAGRAPH that were appropriated and authorized for other functions and programs of the department of education.

D. The restrictions on activities that compete with private enterprise contained in subsection A of this section do not apply to community colleges and universities under the jurisdiction of a governing board.

E. For the purposes of this section, "profit" means any monies generated from the sale or lease of goods and services after accounting for the costs ~~provided~~ PAID by this state, including appropriations from the state general fund.

Sec. 8. Section 49-104, Arizona Revised Statutes, is amended to read:

49-104. Powers and duties of the department and director

A. The department shall:

1. Formulate policies, plans and programs to implement this title to protect the environment.

2. Stimulate and encourage all local, state, regional and federal governmental agencies and all private persons and enterprises that have similar and related objectives and purposes, cooperate with those agencies, persons and enterprises and correlate department plans, programs and operations with those of the agencies, persons and enterprises.

3. Conduct research on its own initiative or at the request of the governor, the legislature or state or local agencies pertaining to any department objectives.

4. Provide information and advice on request of any local, state or federal agencies and private persons and business enterprises on matters within the scope of the department.

5. Consult with and make recommendations to the governor and the legislature on all matters concerning department objectives.

6. Promote and coordinate the management of air resources to ensure their protection, enhancement and balanced utilization consistent with the environmental policy of this state.

7. Promote and coordinate the protection and enhancement of the quality of water resources consistent with the environmental policy of this state.

8. Encourage industrial, commercial, residential and community development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions.

9. Ensure the preservation and enhancement of natural beauty and man-made scenic qualities.

10. Provide for the prevention and abatement of all water and air pollution including that related to particulates, gases, dust, vapors,



1 noise, radiation, odor, nutrients and heated liquids in accordance with  
2 article 3 of this chapter and chapters 2 and 3 of this title.

3 11. Promote and recommend methods for the recovery, recycling and  
4 reuse or, if recycling is not possible, the disposal of solid wastes  
5 consistent with sound health, scenic and environmental quality policies.  
6 Beginning in 2014, the department shall report annually on its revenues  
7 and expenditures relating to the solid and hazardous waste programs  
8 overseen or administered by the department.

9 12. Prevent pollution through the regulation of the storage,  
10 handling and transportation of solids, liquids and gases that may cause or  
11 contribute to pollution.

12 13. Promote the restoration and reclamation of degraded or  
13 despoiled areas and natural resources.

14 14. Assist the department of health services in recruiting and  
15 training state, local and district health department personnel.

16 15. Participate in the state civil defense program and develop the  
17 necessary organization and facilities to meet wartime or other disasters.

18 16. Cooperate with the Arizona-Mexico commission in the governor's  
19 office and with researchers at universities in this state to collect data  
20 and conduct projects in the United States and Mexico on issues that are  
21 within the scope of the department's duties and that relate to quality of  
22 life, trade and economic development in this state in a manner that will  
23 help the Arizona-Mexico commission to assess and enhance the economic  
24 competitiveness of this state and of the Arizona-Mexico region.

25 17. Unless specifically authorized by the legislature, ensure that  
26 state laws, rules, standards, permits, variances and orders are adopted  
27 and construed to be consistent with and no more stringent than the  
28 corresponding federal law that addresses the same subject matter. This  
29 paragraph shall not be construed to adversely affect standards adopted by  
30 an Indian tribe under federal law.

31 18. Provide administrative and staff support for the oil and gas  
32 conservation commission.

33 B. The department, through the director, shall:

34 1. Contract for the services of outside advisers, consultants and  
35 aides reasonably necessary or desirable to enable the department to  
36 adequately perform its duties.

37 2. Contract and incur obligations reasonably necessary or desirable  
38 within the general scope of department activities and operations to enable  
39 the department to adequately perform its duties.

40 3. Utilize any medium of communication, publication and exhibition  
41 when disseminating information, advertising and publicity in any field of  
42 its purposes, objectives or duties.

43 4. Adopt procedural rules that are necessary to implement the  
44 authority granted under this title, but that are not inconsistent with  
45 other provisions of this title.

1           5. Contract with other agencies, including laboratories, in  
2 furthering any department program.

3           6. Use monies, facilities or services to provide matching  
4 contributions under federal or other programs that further the objectives  
5 and programs of the department.

6           7. Accept gifts, grants, matching monies or direct payments from  
7 public or private agencies or private persons and enterprises for  
8 department services and publications and to conduct programs that are  
9 consistent with the general purposes and objectives of this chapter.  
10 Monies received pursuant to this paragraph shall be deposited in the  
11 department fund corresponding to the service, publication or program  
12 provided.

13           8. Provide for the examination of any premises if the director has  
14 reasonable cause to believe that a violation of any environmental law or  
15 rule exists or is being committed on the premises. The director shall  
16 give the owner or operator the opportunity for its representative to  
17 accompany the director on an examination of those premises. Within  
18 forty-five days after the date of the examination, the department shall  
19 provide to the owner or operator a copy of any report produced as a result  
20 of any examination of the premises.

21           9. Supervise sanitary engineering facilities and projects in this  
22 state, authority for which is vested in the department, and own or lease  
23 land on which sanitary engineering facilities are located, and operate the  
24 facilities, if the director determines that owning, leasing or operating  
25 is necessary for the public health, safety or welfare.

26           10. Adopt and enforce rules relating to approving design documents  
27 for constructing, improving and operating sanitary engineering and other  
28 facilities for disposing of solid, liquid or gaseous deleterious matter.

29           11. Define and prescribe reasonably necessary rules regarding the  
30 water supply, sewage disposal and garbage collection and disposal for  
31 subdivisions. The rules shall:

32           (a) Provide for minimum sanitary facilities to be installed in the  
33 subdivision and may require that water systems plan for future needs and  
34 be of adequate size and capacity to deliver specified minimum quantities  
35 of drinking water and to treat all sewage.

36           (b) Provide that the design documents showing or describing the  
37 water supply, sewage disposal and garbage collection facilities be  
38 submitted with a fee to the department for review and that no lots in any  
39 subdivision be offered for sale before compliance with the standards and  
40 rules has been demonstrated by approval of the design documents by the  
41 department.

42           12. Prescribe reasonably necessary measures to prevent pollution of  
43 water used in public or semipublic swimming pools and bathing places and  
44 to prevent deleterious conditions at such places. The rules shall  
45 prescribe minimum standards for the design of and for sanitary conditions



1 at any public or semipublic swimming pool or bathing place and provide for  
2 abatement as public nuisances of premises and facilities that do not  
3 comply with the minimum standards. The rules shall be developed in  
4 cooperation with the director of the department of health services and  
5 shall be consistent with the rules adopted by the director of the  
6 department of health services pursuant to section 36-136, subsection ~~H~~ I,  
7 paragraph 10.

8 13. Prescribe reasonable rules regarding sewage collection,  
9 treatment, disposal and reclamation systems to prevent the transmission of  
10 sewage borne or insect borne diseases. The rules shall:

11 (a) Prescribe minimum standards for the design of sewage collection  
12 systems and treatment, disposal and reclamation systems and for operating  
13 the systems.

14 (b) Provide for inspecting the premises, systems and installations  
15 and for abating as a public nuisance any collection system, process,  
16 treatment plant, disposal system or reclamation system that does not  
17 comply with the minimum standards.

18 (c) Require that design documents for all sewage collection  
19 systems, sewage collection system extensions, treatment plants, processes,  
20 devices, equipment, disposal systems, on-site wastewater treatment  
21 facilities and reclamation systems be submitted with a fee for review to  
22 the department and may require that the design documents anticipate and  
23 provide for future sewage treatment needs.

24 (d) Require that construction, reconstruction, installation or  
25 initiation of any sewage collection system, sewage collection system  
26 extension, treatment plant, process, device, equipment, disposal system,  
27 on-site wastewater treatment facility or reclamation system conform with  
28 applicable requirements.

29 14. Prescribe reasonably necessary rules regarding excreta storage,  
30 handling, treatment, transportation and disposal. The rules shall:

31 (a) Prescribe minimum standards for human excreta storage,  
32 handling, treatment, transportation and disposal and shall provide for  
33 inspection of premises, processes and vehicles and for abating as public  
34 nuisances any premises, processes or vehicles that do not comply with the  
35 minimum standards.

36 (b) Provide that vehicles transporting human excreta from privies,  
37 septic tanks, cesspools and other treatment processes shall be licensed by  
38 the department subject to compliance with the rules. The department may  
39 require payment of a fee as a condition of licensure. After July 20,  
40 2011, the department shall establish by rule a fee as a condition of  
41 licensure, including a maximum fee. As part of the rulemaking process,  
42 there must be public notice and comment and a review of the rule by the  
43 joint legislative budget committee. After September 30, 2013, the  
44 department shall not increase that fee by rule without specific statutory  
45 authority for the increase. The fees shall be deposited, pursuant to

1 sections 35-146 and 35-147, in the solid waste fee fund established by  
2 section 49-881.

3 15. Perform the responsibilities of implementing and maintaining a  
4 data automation management system to support the reporting requirements of  
5 title III of the superfund amendments and reauthorization act of 1986  
6 (P.L. 99-499) and article 2 of this chapter.

7 16. Approve remediation levels pursuant to article 4 of this  
8 chapter.

9 17. Establish or revise fees by rule pursuant to the authority  
10 granted under title 44, chapter 9, article 8 and chapters 4 and 5 of this  
11 title for the department to adequately perform its duties. All fees shall  
12 be fairly assessed and impose the least burden and cost to the parties  
13 subject to the fees. In establishing or revising fees, the department  
14 shall base the fees on:

15 (a) The direct and indirect costs of the department's relevant  
16 duties, including employee salaries and benefits, professional and outside  
17 services, equipment, in-state travel and other necessary operational  
18 expenses directly related to issuing licenses as defined in title 41,  
19 chapter 6 and enforcing the requirements of the applicable regulatory  
20 program.

21 (b) The availability of other funds for the duties performed.

22 (c) The impact of the fees on the parties subject to the fees.

23 (d) The fees charged for similar duties performed by the  
24 department, other agencies and the private sector.

25 18. Appoint a person with a background in oil and gas conservation  
26 to act on behalf of the oil and gas conservation commission and administer  
27 and enforce the applicable provisions of title 27, chapter 4 relating to  
28 the oil and gas conservation commission.

29 C. The department may:

30 1. Charge fees to cover the costs of all permits and inspections it  
31 performs to ensure compliance with rules adopted under section 49-203,  
32 except that state agencies are exempt from paying the fees. Monies  
33 collected pursuant to this subsection shall be deposited, pursuant to  
34 sections 35-146 and 35-147, in the water quality fee fund established by  
35 section 49-210.

36 2. Contract with private consultants for the purposes of assisting  
37 the department in reviewing applications for licenses, permits or other  
38 authorizations to determine whether an applicant meets the criteria for  
39 issuance of the license, permit or other authorization. If the department  
40 contracts with a consultant under this paragraph, an applicant may request  
41 that the department expedite the application review by requesting that the  
42 department use the services of the consultant and by agreeing to pay the  
43 department the costs of the consultant's services. Notwithstanding any  
44 other law, monies paid by applicants for expedited reviews pursuant to

1 this paragraph are appropriated to the department for use in paying  
2 consultants for services.

3 D. The director may:

4 1. If the director has reasonable cause to believe that a violation  
5 of any environmental law or rule exists or is being committed, inspect any  
6 person or property in transit through this state and any vehicle in which  
7 the person or property is being transported and detain or disinfect the  
8 person, property or vehicle as reasonably necessary to protect the  
9 environment if a violation exists.

10 2. Authorize in writing any qualified officer or employee in the  
11 department to perform any act that the director is authorized or required  
12 to do by law.

**APPROVED BY THE GOVERNOR MAY 10, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2017.**



Passed the House February 1, 20 17

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

[Signature]  
Speaker of the House

☐ Pro Tempore

[Signature]  
Chief Clerk of the House

Passed the Senate April 27, 20 17

by the following vote: 25 Ayes,

2 Nays, 3 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2043

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 8, 20 17

by the following vote: 54 Ayes,

5 Nays, 1 Not Voting

U. R. [Signature]  
Speaker of the House

Jim Drake  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

8<sup>th</sup> day of May, 20 17,

at 3:37 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 10<sup>th</sup> day of

May, 20 17,

at 11:09 o'clock A. M.

[Signature]  
Governor of Arizona

H.B. 2043

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10 day of May, 20 17,

at 12:16 o'clock P. M.

Michelle Reagan  
Secretary of State